

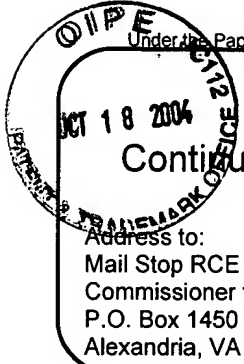
10-19-04

1 Filed RCE#

PTO/SB/30 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/025,403
Filing Date	December 19, 2001
First Named Inventor	Brian K. Doyle
Art Unit	1761
Examiner Name	Thuy Tran Lien
Attorney Docket Number	ADV12 P-302A

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☒ Affidavit(s)/ Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☐ Deposit Account No. 16-2463 I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 395 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

10/21/2004 JADD01 00000038 10025403

01 FC:2801

395.00 OP

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Todd A. Van Thomme</i>	Date	October 18, 2004
Name (Print/Type)	Todd A. Van Thomme	Registration No.	44 285

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as **express** mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below. **Express Mailing Label No. EV432932211US**

Signature	<i>Jaclyn R. Folkema</i>	Date	October 18, 2004
Name (Print/Type)	Jaclyn R. Folkema		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Atty. Docket No. ADV12 P-302A

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as Express Mail with Label No. EV432932211US addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

10-18-04  
Date

*Jaclyn R. Folkema*  
Jaclyn R. Folkema

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1761  
Examiner : Thuy Tran Lien  
Applicant : Brian K. Doyle et al.  
Appln. No. : 10/025,403  
Filing Date : December 19, 2001  
Confirmation No. : 4925  
For : **COATED FOOD PRODUCTS MADE FROM SHAPED DOUGH  
SUBSTRATES AND METHOD OF PREPARING SAME**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Enclosed is a Response and Amendment to the Office Action mailed May 18, 2004, Declaration of John F. Stevens with Exhibits 1-3, Second Supplemental Information Disclosure Statement, Request for Continued Examination, and Petition and Fee for a two-month Extension of Time. The items checked below are appropriate:

Any fee for additional claims has been calculated as shown below:

CLAIMS AS AMENDED

	Col. 1		Col. 2	Col. 3	Small Entity		Other Than A Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Add'l Fee
Total Claims	52	Minus	46	= 6	x \$9	\$54.00	x \$ 18	\$ 0.00
Independent Claims	9	Minus	7	= 2	x \$44	\$88.00	x \$ 88	\$ 0.00
First Presentation of Multiple Dependent Claims \$150						\$ 0.00	x \$300	\$ 0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						142.00		\$ 0.00

Applicants : Brian K. Doyle et al.  
Appln. No. : 10/025,403  
Page : 2

- ☒ Small entity status.
- ☒ A check in the amount of \$215.00 is enclosed to cover the fee for the Petition and Extension of Time.
- ☒ A fee of \$142.00 is enclosed to cover the cost of the additional claims added by this Response.
- ☒ A check for \$395.00 is enclosed to cover the fee for the Request for Continued Examination.
- ☒ Please charge any additional fees or credit any overpayments to Deposit Account No. 16 2463. A duplicate copy of this sheet is attached.

PRICE, HENEVELD, COOPER,  
DEWITT & LITTON, LLP

10/18/2004  
Date

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TAV/jrf



Atty. Docket No. ADV12 P-302A  
Express Mail No. EV432932211US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1761  
Examiner : Thuy Tran Lien  
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Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**RESPONSE AND AMENDMENT**

In response to the Office Action mailed May 18, 2004, Applicants respond as follows. Also submitted with this response is the Declaration of John F. Stevens with Exhibits 1-3, Second Supplemental Information Disclosure Statement, Request for Continued Examination and Petition and Fee for a two-month Extension of Time under 37 CFR §1.136(a).

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 11 of this paper.

10/21/2004 JADD01 00000038 10025403

03 FC:2201 88.00 OP  
04 FC:2202 54.00 OP